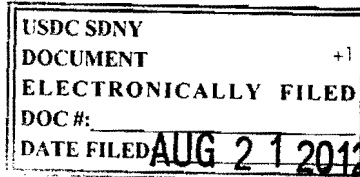


**EDWARDS
WILDMAN**



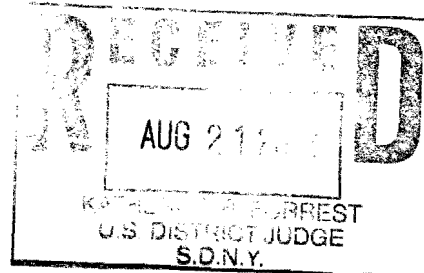
EDWARDS WILDMAN PALMER LLP
111 HUNTINGTON AVENUE
BOSTON, MA 02199
+1 617 239 0100 main +1 617 227 4420 fax
edwardswildman.com

Joshua W. Gardner

+1 617 951 2259
fax +1 888 325 9417
jgardner@edwardswildman.com

August 20, 2012

BY OVERNIGHT DELIVERY



Judge Katherine B. Forrest
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Illinois National Insurance Company et al v. Tutor Perini Corporation
1:11-cv-00431-KBF

Dear Judge Forrest:

I write on behalf of the Illinois National Insurance Company, The Insurance Company of the State of Pennsylvania, and National Union Fire Insurance Company of Pittsburgh, Pa (the "Chartis Insurers") to respectfully request that the trial in this matter be postponed by at least one month. Although Certain Underwriters at Lloyd's, London does not join in this letter, it is in agreement that the trial be postponed. Similarly, while Tutor Perini Corporation does not join in this letter, and disagrees with its substance, Tutor Perini agrees that a postponement is appropriate to allow the Parties to avoid potentially significant expense. A postponement will save the Parties a significant amount of resources, and will enable the Parties and the Court to devote their time and resources to the pending summary judgment motions.

When the Parties appeared before the Court on June 29, 2012, the Court ordered that discovery be completed by September 7, 2012; that summary judgment motions be filed by July 30, 2012; that pretrial documents be submitted by September 14, 2012; and that the trial be scheduled for September 17-18, 2012. The Court's Order indicated that it would let the Parties know by September 10, 2012, if the trial is going to go forward.

From the beginning of this case it has been the Chartis Insurers' position that this case should be resolved as a matter of law because faulty work is not an occurrence under New York law. See Aquatectonics, Inc. v. The Hartford Cas. Ins. Co., No. 10-cv-2935, 2012 WL 1020313 (E.D.N.Y. Mar. 26, 2012) (granting summary judgment in nearly identical case). When this case first began, pursuant to the prior judge's individual rules, the Chartis Insurers requested leave to file summary judgment. The Court, however, ruled that full discovery needed to be taken before any party could file for summary judgment. Accordingly, the Parties have taken substantial

**EDWARDS
WILDMAN**

August 20, 2012

Page 2

discovery at great expense; they have exchanged thousands of pages of documents and have taken 15 depositions in this country and in Great Britain, and intend to take at least one more in Great Britain.

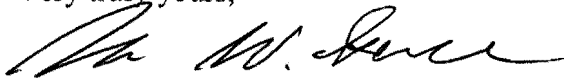
The Chartis Insurers are concerned that additional expenses to prepare for trial will be unnecessary if this case can be resolved on summary judgment. The schedule as it stands now will require all of the Parties to expend tens of thousands of dollars preparing for a trial that may not be necessary – at the same time as they complete the summary judgment briefing. The parties are now working simultaneously on summary judgment papers, completing discovery, and preparing pretrial materials so that they will be ready in time for the scheduled trial.

The Chartis Insurers respectfully request that the trial be postponed by at least one month. Such a postponement will ensure that the Parties can devote their resources to briefing fully the summary judgment motions, and will provide the Court time to review fully such filings. Under this schedule, trial preparation can be deferred until after September 10, 2012, the date by which the Court is to determine whether the case can be resolved by summary judgment. In the event summary judgment is denied, the Parties can then prepare fully for the trial.

If it would aid the Court, the Chartis Insurers would be pleased to appear in person or by telephone for a conference on this issue.

Thank you for your consideration.

Very truly yours,



Joshua W. Gardner

cc: Alex Hardiman, Esq.
George Rockus, Esq.

America 17076496.1

*Request DENIED.
As set forth at the June 29
conference, the Court will review the
summary judgment papers upon
receipt of courtesy copies of the
oppositions.
Until further notice, all dates
remain in place.*

8/21/12

SO ORDERED:

Katherine B. Forrest

HON. KATHERINE B. FORREST
UNITED STATES DISTRICT JUDGE